

REMARKS

Favorable consideration and allowance of the present application is respectfully requested.

Claims 35-64, including independent claims 35, 55, and 60, are currently pending in the present application. Independent claim 35, for instance, is directed to a method of applying an image to a substrate. The method comprises providing a first heat transfer material that contains a first base layer and a transfer film on which the image is formed, and providing a second heat transfer material that contains a second base layer and an overlay transfer film. The imaged transfer film and the overlay transfer film are transferred to the substrate so that the imaged transfer film is positioned between the substrate and the overlay transfer film. The overlay transfer film is fused to the imaged transfer film.

In the Office Action, previous dependent claims 5 and 34 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Without commenting on the propriety of this rejection, Applicant simply notes that the present claims are believed to fully satisfy all of the requirements of §112.

Previous independent claims 1 and 5-6 were also rejected in the Office Action under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,482,285 to Cross in view of U.S. Patent No. 6,043,194 to Saito, et al. Cross is directed to an opaque substrate for use in multi-color transfer. As shown in Fig. 2, the substrate includes an opaque, heat sensitive polymer film 24, an adhesive layer 26, and a releasably coated

carrier film 28. As shown in Fig. 5, the substrate may be placed onto a second substrate to form a laminated web 142 in which the polymer film 24 of the first substrate contacts an adhesive layer 134 of the second substrate. The second substrate likewise contains a second polymer film 132 positioned adjacent to the adhesive layer 134. Fig. 7 illustrates the application of the laminate web 142 to an article 158. As shown, a heat-sealing device is placed in contact with the second polymer film 132. After transfer, the second substrate is removed from the article.

Applicant respectfully submits, however, that Cross fails to disclose each limitation of the present claims. Independent claim 35, for instance, requires transfer of the "imaged transfer film" and the "overlay transfer film" so that the imaged transfer film is positioned between the substrate and the overlay transfer film. As described throughout the present specification, the relative positioning and construction of the imaged and overlay transfer films allows them to become *fused together* upon transfer. It is this compatibility between the films that provides the "matched" heat transfer aspect of the present invention. Cross simply does not expressly disclose each limitation of independent claim 35.

Nevertheless, Saito, et al. was cited in combination with Cross in the Office Action in an attempt to render obvious previous independent claims 1 and 5-6. Specifically, it was stated that the protective layer of Saito, et al. corresponds to the claimed "overlay transfer film. As shown in Fig. 6, for example, the protective layer 25 covers the image 24, which is positioned on a dye-receptive layer 23. Nevertheless, Saito, et al. does not cure the defects referenced above in that it fails to disclose the

transfer of the claimed imaged transfer film and overlay transfer film as claimed.

Further, Saito, et al. was also cited in combination with Hare in an attempt to render obvious previous independent claims 1 and 5-6. However, the combination of these references likewise fails to disclose each limitation of the present claims, such as referenced above. For at least these reasons, Applicants respectfully submit that the present claims patentably define over the above-cited references, taken singularly or in any proper combination.

Thus, for at least the reasons set forth above, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Chan is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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